



**COUNCIL OF  
THE EUROPEAN UNION**

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**INTRODUCTORY NOTE**

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from : Permanent Representatives Committee (Part I)

to : Council (EPSCO)

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Subject : **Review of the implementation by the Member States and the EU institutions  
of the Beijing Platform for Action  
– Draft Council Conclusions on sexual harassment at the workplace**

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In the context of the follow-up of the Beijing Platform for Action, adopted during the United Nations World Conference on Women in 1995, the Dutch Presidency has chosen to work on the issue of "sexual harassment at the workplace", based on the report produced by the Irish Presidency on this matter, and has prepared a set of three indicators.

Delegations will find attached in the Annex the draft Council Conclusions on which general agreement was reached in the Permanent Representatives Committee on 24 November 2004. These Conclusions are accompanied by a paper from the Dutch Presidency, in Addendum 1 to this document, concerning the three indicators.

**Draft Council conclusions  
on the review of the implementation by the Member States and the EU institutions  
of the Beijing Platform for Action**

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Whereas:

1. Following the UN's Fourth World Conference on Women in Beijing in 1995, the Madrid European Council (15 to 16 December 1995) requested an annual review of the implementation in the Member States of the Beijing Platform for Action.
2. The follow-up of the process in 1996 and 1997 revealed a need for more constant and systematic EU monitoring and assessment of the implementation of the Beijing Platform for Action.
3. On 2 December 1998, the Council agreed that the annual assessment of the implementation of the Platform for Action would include a proposal on a set of quantitative and qualitative indicators and benchmarks.
4. On 22 October 1999, the Council therefore adopted conclusions which took note of the proposed indicators in relation to "women's participation in the power and decision-making process".

5. The Council subsequently adopted conclusions concerning "the Reconciliation of family life and working life" (2000), "Unequal pay" (2001), "Domestic violence against women" (2002) and "Women and men in economic decision-making" (2003).
6. When it adopted its conclusions on "Domestic violence against women" (2002), the Council noted that the theme of violence against women could be revisited to deal with other perspectives and other target groups.
7. The conclusions adopted by the Council (2003) urged that the theme of "sexual harassment at the workplace" should be taken up when the Member States' implementation of the Beijing Platform for Action was next reviewed (2004).
8. The Daphne Programme (2004-2008) is a preventive Community programme concerning violence against children, young people and women, with a budget of € 50 million for the entire period.
9. The promotion of equality between women and men and non-discrimination have become main principles for the further development and implementation of EU policy following the entry into force of the Amsterdam and Nice Treaties.
10. The European Council of 20-21 March 2003 invited the European Commission to prepare, in collaboration with the EU Member States, an annual report to the Spring European Council on developments towards gender equality and orientations for the gender mainstreaming of policy areas.
11. The European Council of 25-26 March 2004 concluded that "gender equality policies are instruments of social cohesion as well as of growth" and that "attracting and retaining more people in the labour market means that the interaction between taxes and benefits is such that

working brings a clear financial reward. It also means developing specific strategies to increase the employment rates of women and older workers. A gender mainstreaming approach will contribute to attaining the overall Lisbon objectives; encouraging more women into employment requires steps to address gender disparities in pay and create more family-friendly workplaces". The Ministerial Conference "Diversity and participation: the gender perspective", held in Rotterdam on 6 and 7 July 2004, underlined the need to take concrete steps to implement these conclusions.

12. This conference also underlined the need to make greater use of the European Employment Strategy and the European Social Inclusion Process, backed up by the European Social Fund (ESF), including the Community EQUAL Initiative, to reach the Lisbon targets and to promote the integration of women, in particular women migrants and women from ethnic minorities, into the labour market, including measures to combat discrimination in the workplace.
13. Moreover, this conference stressed the need to continue to develop, adopt and fully implement laws and other measures, as appropriate, such as policies and educational programmes, to eradicate harmful customary or traditional practices, including female genital mutilation, early and forced marriages and so-called honour crimes, which are violations of the human rights of women and girls and obstacles to the enjoyment by women of their human rights and fundamental freedoms, and to intensify efforts, in cooperation with local women's groups, to raise collective and individual awareness of how these harmful traditional and customary practices violate women's human rights.
14. The conference also stressed the importance for the European Commission and future Presidencies, in cooperation with the EU Member States, to prepare a progress report on the implementation of gender indicators adopted by the Council to implement the Beijing Platform for Action and to present it to the Spring European Council (2005) and the 49th Session of the UN Commission on the Status of Women's review "Beijing + 10".

15. The Irish Presidency of the EU carried out a comprehensive survey amongst the Member States concerning measures and data on sexual harassment in the workplace and subsequently issued a report.
16. On the basis of the Irish Presidency's preparatory work concerning sexual harassment in the workplace, the Dutch Presidency has drawn up the following three indicators concerning "sexual harassment at the workplace":
  1. the number of employees who report incidents of sexual harassment at the workplace, as a percentage of the total workforce;
  2. the number of private and public enterprises which have a preventive policy regarding sexual harassment at the workplace, as a percentage of the total number of employers;
  3. the number of private and public enterprises which have procedures for sanctions in place for perpetrators of sexual harassment at the workplace, as a percentage of the total number of employers.

These indicators fall into two of the three categories identified by the Irish Presidency in its report and are meant to be quantitative and qualitative, as well as disaggregated by sex.

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1. RECALLS in the process of preventing and combating all forms of violence against women, following the Beijing Platform for Action, that sexual harassment in the workplace is a human rights' violation and an obstacle to the full enjoyment by employees of their human rights and fundamental freedoms and an obstacle to the achievement of gender equality.
2. RECALLS that the Member States have committed themselves to taking integrated multidisciplinary measures to prevent and combat all forms of violence against women as specified in the Beijing Platform for Action, and urges the Member States to take the necessary measures.
3. TAKES NOTE of the three indicators proposed by the Dutch Presidency with a view to future follow-up of the Beijing Platform for Action regarding work-related sexual harassment.
4. INVITES Governments to adopt further active measures and strategies to prevent and combat violence against women, in particular work-related sexual harassment.
5. ENCOURAGES the Member States to continue improving the collection, compilation and dissemination of timely, reliable, comparable data disaggregated by sex and age, and further developing quantitative and qualitative indicators and progressively updating them, *inter alia* through the involvement of the National Statistical Institutes, so that statistics and quantitative and qualitative information on the three indicators proposed by the Dutch Presidency as well as on other indicators relating to the topics of the Beijing Platform can be regularly produced and regular examinations conducted.

6. ENCOURAGES Member States to conduct research to get insight into other variables, such as age, gender, sector and profession, influencing sexual harassment at the workplace.
7. ENCOURAGES the social partners to continue their efforts to prevent and combat sexual harassment at the workplace.
8. RECALLS that Presidencies have also prepared indicators on "Women's participation in the power and decision-making process" (1999), "the Reconciliation of family life and working life" (2000), "Unequal pay" (2001), "Domestic violence against women" (2002) and "Women and men in economic decision-making" (2003).
9. INTENDS during forthcoming Presidencies, in connection with activities under the programme for equality between women and men and other Community activities, to continue its focus on critical areas of concern mentioned in the Beijing Platform for Action.
10. INVITES forthcoming Presidencies to take into account the conclusions of the Rotterdam Conference "Diversity and participation: the gender perspective".
11. INVITES the European Commission to continue its work with its initiatives in the field of violence against women and children, including programmes such as DAPHNE, *inter alia* to prevent and combat sexual harassment at the workplace and to prevent and eradicate customary or traditional practices harmful to the health of women and girls.
12. UNDERTAKES regularly to review the progress achieved and invites future Presidencies, in cooperation with the Member States, to return to issues which have previously been discussed and to assess progress in those areas with the help of the established indicators.

13. STRESSES the link between the Lisbon Strategy and the Beijing Platform for Action and invites the European Commission to highlight the linkage in its annual report to the European Council on equality between women and men.
  14. INVITES the Dutch Presidency to forward these Council conclusions also to the Justice and Home Affairs Council and invites future Presidencies to do the same with any follow-up to the indicators on sexual harassment at the workplace.
  15. INVITES the forthcoming Presidency to prepare, in cooperation with the Member States and the European Commission, a progress report on the implementation of the Beijing Platform for Action to be presented at the 49th Session of the UN Commission on the Status of Women's review "Beijing + 10" and to exchange good practices and lessons learned.
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